IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13164 of 2005

Between:

Borra Padamavathi, W/o.Venkateswarlu,
R/o.H.No.11-110/A, Brahmanapalli Agraharam Village, Wyra Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District.
2 The Joint Collector, Khammam District.
3 The Mandal Revenue Officer, Wyra Mandal, Khammam District.
4 The Somavaram (Wyra) Gram Panchayat, Khammam District, Rep by its Executive Officer.
5 Potu Padmavathi, W/o.Satyanarayana,
R/o.Wyra, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing proceedings in Rc.No.B/50/2005 dt.7-6-2005 contrary to the Government instructions including 2nd respondent proceedings Rc.No.B8/2148/83 dt.7-4-1983 is illegal, void and opposed to Articles14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to interfere with the possession and enjoyment of the petitioner's house in question i.e H.No.11-110/A situated at Brahmanpalli Agraharam Village, Wyra Mandal, Khammam District, without following the guidelines issued by the Government of A.P for regularising the rights of the land in question.

Counsel for the Petitioner:MR.MUMMANENI SRINIVASA RAO

Counsel for the Respondent No.1 to 3: GP FOR REVENUE

Counsel for respondent No.4: Sri R.Prem Sagar.

The Court made the following :

O R D E R:

-

This writ petition is filed by the petitioner to declare the action of the 3rd respondent in issuing proceedings in Rc.No.B/50/2005, dated 07.06.2005 contrary to the instructions issued by the Government including the 2nd respondent vide proceedings in Rc.No.B8/2148/83, dated 07.04.1983 as illegal, void and opposed to Articles 14,19, 21 & 300-A of the Constitution of India and consequently to direct the

respondents not to interfere with the possession and enjoyment of the petitioner's house in question i.e., H.No.11-110/A situated at Brahmanapalli Agraharam Village, Wyra Mandal, Khammam District, without following the guidelines issued by the Government of Andhra Pradesh for regularizing the rights over the land in question.

It is the case of the petitioner that on 15.04.2005, he purchased a house from the 5th respondent, bearing D.No.11-110/A, in S.No.4, to an extent of 46 square yards, situated at Somavaram Brahmanapalli Agraharam, by executing a registered sale deed. It is also the case of the petitioner that though the lands in S.Nos. 4 and 5 belong to the Government, the Government converted the said lands into abadi lands long back and on the instructions issued by the Government, the 2nd respondent vide proceedings, dated 07.04.1983 is regularising the rights of the persons who are residing in S.No.5, situated in the same village. Whereas with regard to the property situated in S.No.4, the 3rd respondent instead of regularizing the rights of the petitioner, issued proceedings, dated 07.06.2005. On receipt of the notice, the petitioner made a request before the 3rd respondent to grant him some time for filing his explanation. Accepting the request of the petitioner, the 3rd respondent granted time till 23.06.2005 for filing his explanation. On an advice given by a counsel, the petitioner without giving any explanation to the notice, directly approached this court.

The petitioner instead of giving explanation to the concerned authorities, straight away approached this Court. Hence, I am of the view that the petitioner could have approached the concerned authorities by filing explanation and for taking necessary action in accordance with law.

In view of the above, I do not see any reason to interfere with the writ petition. The writ petition is, therefore, dismissed. No costs.

_____

E.DHARMA RAO J.,

Dt.20.06.2005

tjs

To

1 The District Collector, Khammam District.
2 The Joint Collector, Khammam District.
3 The Mandal Revenue Officer, Wyra Mandal, Khammam District.
4 The Executive Officer, Somavaram (Wyra) Gram Panchayat, Khammam District.
5) G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

6) 2 CD copies.